

REMARKS

In the Office Action mailed December 11, 2003, the Examiner finally rejected claims 1, 2, and 4 to 25. The rejections are respectfully traversed. This Response "D" cancels no claims, amends claims 1, 2, 4 to 6, 9, 11, 13, 14, 16, 17, 22, 23, and 25, and adds no new claims. Accordingly, claims 1, 2, and 4 to 25 remain pending in this application.

Claims 1, 2, to 4 to 25 were rejected under 35 U.S.C. 102(b) as anticipated by Harney (US 5,014,958) in view of Crawford (US 4789283). The Examiner stated that "Harney does not specifically show a hollow rivet with a central bore having an internal diameter, wherein the central bore extends for a length less than the total length of the body portion wherein the central bore is open at the end of the body portion opposite the head portion and is closed toward the body portion and wherein the body portion is expanded outwardly within the apertures to engage the links". The Examiner further stated that "Crawford teaches a hollow rivet which has a body portion (30, 40) and a head (22), and a lip (see Drawing below), the body extending from the head to the lip, the body having a central bore having an internal diameter (18), wherein the central bore extends for a length less than the total length of the body portion (See Fig. 8)", "Crawford also shows wherein the central bore is open at the end of the body portion opposite the head portion and is closed toward the body portion", and "Crawford shows wherein the body portion is expanded outwardly from the head portion to the, within the apertures to engage the desired surfaces, used in order to reduce movement of the secured surfaces (See Col. 3, lines 32-39." The Examiner concluded that "it would have been obvious to someone skilled in the art at the time the invention was made to have used the hollow rivet of Crawford in place of the rivet described by Harney in order to limit movement between the desired surfaces such as the links taught by Harney".

Claim 1 and claims dependent therefrom are allowable because Harney and Crawford are not properly combinable. To be properly combinable, the references must provide some suggestion or motivation to combine the teachings thereof. The Examiner indicated that some one skilled in the art at the time the invention was made would have used the rivet of Crawford in place of the rivet of Harvey in order to limit movement between the desired surfaces such as

the links taught by Harvey. The Examiner also indicated that the Crawford rivet was used in order to reduce movement of the secured surfaces” citing column 3, lines 32 to 39 of the Crawford disclosure. The Crawford disclosure, however, states that the rivet has a ductile outer layer which is extruded under pressure to form a desired fluid tight joint. Thus, the rivet of Crawford is used to form a fluid tight joint and is not used to limit movement. Both Harvey and Crawford are silent as to their rivets preventing linear movement in a lateral direction or that such was even desirable. It was the insight of the present inventor to determine that it was desirable to prevent such lateral relative movement and provide a suitable rivet construction which would prevent the lateral relative movement. Therefore, it is an impermissible use of hindsight for the Examiner to use the teachings of the present inventor to provide motivation for combining Harvey and Crawford.

However, even if Harvey and Crawford are properly combinable, they do not teach the invention as now claimed. Independent claims 1 and 13, and claims dependent therefrom, are allowable because they each include the limitation “wherein the head portion, the lip portion, and the body portion are formed by a single body of continuous material” and “wherein said body portion extends through said first and second apertures and is plastically deformed so that the body portion is expanded outwardly between the head portion and the lip portion and within the first and second apertures to engage the first and second links within the first and second apertures whereby the fastener secures the first and second links to allow relative rotational movement between the first and second links while preventing relative linear motion therebetween.” No prior art of record reasonably discloses or suggests the present invention as defined by claim 1. Crawford discloses a blind rivet having a body with head 16, a separate stem 20 having head 22 which engages the distal end of the body to form a bulb 80, and a separate sleeve 40 which flows into irregularities of the sheets 66, 68 to form a fluid tight seal as the body is deformed. The rivet disclosed by Crawford is not hollow and is not a unitary fastener. It also important to note that because the sleeve flows into the irregularities of the sheets to form a fluid tight seal, the rivet is secured to the sheets and may prevent relative linear motion therebetween but cannot allow relative rotational movement between the first and second links. Therefore, even assuming that Harvey and Carney are permissibly combinable, the combination still does

not disclose or reasonably suggest the present invention as defined by independent claims 1 and 2. Reconsideration and withdrawal of the rejection is requested.

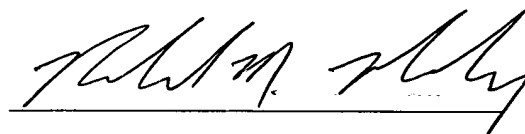
Claims 2, 4 to 12, and 14 to 25 are allowable as depending from allowable independent claims as discussed above and are also independently allowable for novel and non obvious matter contained therein. For example, claim 6 requires a fastener having a hollow bore while Crawford discloses a bore filed by a stem.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,

PORTER, WRIGHT, MORRIS & ARTHUR LLP

A handwritten signature in black ink, appearing to read 'R. M. Mescher', is written over a horizontal line.

Richard M. Mescher, Reg. No. 38,242

Porter, Wright, Morris & Arthur
41 South High Street
Columbus, OH 43215-6194

March 11, 2004